

**The Report of the Investigation of the Greater
Columbia Fantasy Costumers' Guild, Inc.**

Fall of 2019

[DRAFT - NOT FINAL REPORT]

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I. Introduction

On October 21, 2019, it was brought to my, Sarah Richardson, -(Chapter President of the Greater Columbia Fantasy Costumers' Guild, Inc. (GCFCG), Chapter of the International Costumers' Guild (ICG)), attention that there were accusations of harassment, blackmail, and bullying being conducted by members of our organization. I, according to our by-laws, began an investigation into these allegations.

From October to December of 2019, we have gathered screenshots, collected e-mails, and received documents regarding the conduct of the members accused. We received full cooperation from the ICG and GCFCG membership to receive access to the social media posts and documents needed. During this time I consulted with our legal counsel, Mr. Brian Hildebrant, e.s.q., for advice on how to compose this report. I was assisted in this report by Mr. Ron Robinson, the Vice-President for the GCFCG, and Ms. Gaia Eirich, Secretary for the GCFCG.

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II. Snapshot of the Greater Columbia Fantasy Costumers' Guild, Inc.

The Greater Columbia Fantasy Costumers Guild, GCFCG, was formed in 1982 as a non-profit 501(c)3 corporation dedicated to the study, presentation, creation, wearing, and informing people about costumes, past, present, and future. We welcome Costumers of all ages and skill level and those who appreciate the art of costuming.

GCFCG is based in Columbia, Maryland area. We serve the state of Maryland and the Washington DC metro area. We currently have members from Maryland, Virginia, Pennsylvania, New Jersey, West Virginia, Massachusetts, New Hampshire, and Washington DC.

GCFCG is the founding chapter of the International Costumers' Guild, ICG. We proudly support the annual Costume-Con[®] costuming convention, a gathering of like-minded individuals who participate in the many facets of costuming.

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III. The Greater Columbia Fantasy Costumers' Guild, Inc.'s anti-harassment policy

Per our By-Laws, amended June 2019-

“Harassment:

The Greater Columbia Fantasy Costumers' Guild Inc., (GCFCG) has adopted a zero-tolerance policy toward discrimination and all forms of harassment, including but not limited to sexual harassment. This policy means that no form of discriminatory or harassing conduct by or towards any member, volunteer, guest, or other person at our meetings or events will be tolerated. The GCFCG is committed to enforcing its policy at all levels within the GCFCG. Any officer, member, volunteer, or guest who engages in prohibited discrimination or harassment will be subject to discipline, up to and including immediate removal from guild events and activities, and revocation of position and/or membership depending on the severity of offense.

Conduct Covered by this Policy: This policy applies to and prohibits all forms of harassment and discrimination, not only sexual harassment. Accordingly, the GCFCG absolutely prohibits harassment or discrimination based on sex, age, disability, perceived disability, marital status, personal appearance, sexual orientation, race, color, religion, national origin, veteran status or any other legally protected characteristic.

Sexual Harassment: Because confusion often arises concerning the meaning of sexual harassment in particular, it deserves special mention. Often Sexual harassment may take many forms, including the following:

- Offensive and unwelcome sexual invitations, whether or not the person submits to the invitation, and particularly when a spoken or implied quid pro quo for sexual favors is a benefit of membership or continued membership.
- Offensive and unwelcome conduct of a sexual nature, including sexually graphic spoken comments; offensive comments transmitted by e-mail or another messaging system; offensive or suggestive images or graphics whether physically present or accessed over the Internet; or the possession of or use of sexually suggestive objects; and,
- Offensive and unwelcome physical contact of a sexual nature, including the touching of another's body; the touching or display of one's own body, or any similar contact.

Computer Messaging and Information Systems: Members are particularly cautioned that the use of e-mail, voice mail, or other electronic messaging systems, or the Internet under the auspices of

officially sanctioned guild activities, may give rise to liability for harassment. Members in the execution of official GCGCG functions or acting a representative of GCF CG may not generate, should not receive, and must not forward, any message or graphic that might be taken as offensive based on sex, gender, or other protected characteristic. This includes, for example, the generation or forwarding of offensive “humor” which contains offensive terms. Members receiving offensive messages over the GCF CG’s e-mail, website, social media or other channels and in such a manner as to appear to be sanctioned by the GCF CG, should report those messages to the President or other appropriate executive officer. Members are reminded that the GCF CG’s e-mail, website, social media and the data generated on, stored in, or transmitted to or from the GCF CG’s digital presences remain a part of the archive of the GCF CG. The GCF CG retains the right to monitor its e-mail, website, and social media to ensure compliance with this requirement.

Procedures in Cases of Harassment: Any GCF CG member who believes that she or he has been subjected to harassment of any kind has the responsibility to report the harassment immediately to the President. If the member is uncomfortable reporting the harassment to the President (whether because the President has committed the harassment, or for any other reason whatsoever), the member must report the harassment to the Vice-President or, if the member prefers, to another executive officer. The GCF CG is committed to taking all reasonable steps to prevent harassment, and will make every reasonable effort promptly and completely to address and correct any harassment that may occur. However, the GCF CG cannot take prompt and effective remedial action unless each member assumes the responsibility of reporting any incident of harassment immediately to an executive officer. Every report of harassment will be investigated promptly and impartially, with every effort to maintain confidentiality. The complainant and the accused will be informed of the results of the investigation. If the GCF CG finds that its policy has been violated, it will take appropriate corrective and remedial action, up to and including suspension / revocation of membership of offending officers or members, and/or similarly appropriate action towards offending volunteers, and guests.

Reporting Without Fear of Retaliation: No GCF CG member will be retaliated against for reporting harassment. This no-retaliation policy applies whether a good faith complaint of harassment is well founded or ultimately determined to be unfounded. No GCF CG officer, member, volunteer or guest is authorized, or permitted, to retaliate or to take any adverse action whatsoever against anyone for reporting harassment, or for opposing any other discriminatory practice in the GCF CG chapter, at GCF CG events, or in officially sanctioned GCF CG communications or media.”

IV. Summary of the Allegations

It was difficult to clearly establish the allegations due to the amount of second-hand and hearsay accounts. The ones that were clearly stated are the accusations of libel against Ms. Betsy Marks by Ms. Mera Babineaux (a.k.a. Mera Rose), and of Ms. Jacalyn Boggs (a.k.a. Lady Ozma) engaging in bullying. There are more nebulous claims of harassment concerning Ms. Marianne Pease, Ms. Merrily Wolf, and Ms. Judy Mitchell. Attached to the end of this report are the copies of the correspondence from all the above named individuals.

Ms. Mera Babineaux has stated that Ms. Betsy Marks, by her actions has harmed Ms. Babineaux reputation and has damaged her ability to find work. Ms. Marks, has defended her actions by stating that Ms. Babineaux has exaggerated her claims of importance and achievement, and manipulating situations to discredit, defame, and to harm the reputations of the ICG and it's members. Both Ms. Marks and Ms. Babineaux have supplied evidence as to back up their claims.

Regarding Ms. Jacalyn Boggs, there have been several accusations made by Ms. Merrily Wolf and Ms. Elaine Sims. Ms. Sims states that Ms. Boggs has displayed "intolerance of others," and gives documentation demonstrating Ms. Boggs attitude towards others. Ms. Wolf has also supplied similar documentation regarding Ms. Boggs behavior.

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V. Findings as to Specific Individuals

First and foremost, there is a general opinion by the reviewers of this investigation that we may be looking at an incomplete account of the incidents involving our members. We then have had to go by the documentation supplied to us from Oct. 2019 to Dec. 2019. It is from this collection of records and accounts that we have made our decisions. If at a future time, further evidence is presented, it will be considered, and our findings will be amended pursuant to the case made by the evidence.

To the accusations made against Ms. Marianne Pease, Ms. Merrily Wolf, Ms. Judy Mitchell, Ms. Elaine Sims, Ms. Jacalyn Boggs, and Ms. Mera Babineaux This investigation finds, there was no conduct on the part of the above parties that met the legal definition of harassment. This does not imply that any of the above parties did not engage in objectionable behavior, just that it does not meet the legal requirements to qualify as harassment.

In regards to the accusations against Ms. Betsy Marks, most of her behavior falls short of the legal definition of harassment. This is not an endorsement of her behavior, only a statement that it is not legally harassment.

However there were a few instances that the reviewers felt may have crossed the line into harassment and as conduct unbecoming a member of the GCFCG and requires action to be taken. Of note were several of the exchanges highlighted in Mr. Brian Hildebrant, e.s.q in Appendix V. - "First, in Screenshot 122 Ms. Marks makes the accusation that the green-line document drafted by Ms. Rose did not contain the entirety of the changes made to the document. Specifically:

Jacalyn Boggs – "So you are saying there's more changes to the proposed document than what the above green line shows?"

Betsy R. Marks – "YES."

Jacalyn Boggs – "What else what changed from the proposed document to the green line above?"

Betsy R. Marks – "I have no idea..."

Ms. Marks segues from this accusation to a complaint that no one has provided her with the type of redline document that she had asked for in the previous Yahoo group. (Screenshots 124-127) Notably, Ms. Boggs follows up on several occasions with a request that Ms. Marks provide specific examples of what has been changed, as well as specific examples of what aggressive language Ms. Marks has taken exception to. (See, e.g., Screenshots 132-133, 134, & 137) It does not appear that Ms. Marks responded to any of these specific requests.

In response to these accusations, Ms. Rose specifically asks that the conversation be kept civil and explains her rationale for the actions she has taken. In that post she states "Please also stop attacking

me for trying to do what you're asking?" [sic] ... "I really love this organization and want to help, but I will not tolerate character assassination..." (Screenshots 145 & 147) This is immediately followed by Ms. Boggs stating "There is no need to character assassinate anyone..." (Screenshot 151). Subsequently, Ms. Marks states, "As to character assassination, perhaps if my request of two months ago had been addressed then, instead of ignored, I would be less upset. Just saying." (Screenshot 178).

These exchanges highlight what appears to be a conscious and intentional attempt to harass Ms. Rose by Ms. Marks. Notably, Ms. Rose is the first to characterize what has happened as "character assassination", and it would ordinarily be entirely reasonable to entertain an argument that she was overreacting or that Ms. Marks did not intend for her comments to be taken in that way. However, Ms. Marks adopts that characterization and attempts to justify it based on the way she believes her request was treated. With that in mind, it is reasonable to conclude that Ms. Marks's actions were intended to create a hostile environment.

Second, Ms. Marks reached out – apparently of her own accord – to Kristen Miller-Zohn as a contact within the Southeast CSA to ask for information about Ms. Rose. (Gmail – Fwd_RE_Question concerning the CSA and the International Costumers' Guild, Inc.) In the first communication Ms. Marks states, "We have some concerns regarding this individual which are, as you might gather, of a confidential and potentially worrisome nature." In the next provided e-mail, Ms. Delaney appears to have provided Ms. Miller-Zohn with screenshots of the confidential and worrisome concerns. Then, in a subsequent e-mail, she specifically identifies Ms. Rose by name. These screenshots have not been provided for my review. In addition, it is unclear whether the e-mail chain that has been provided contains the entirety of the communications between Ms. Marks and Ms. Miller-Zohn (e.g. the tone shift between the first and second e-mail, and the lack of a response e-mail by Ms. Miller-Zohn, suggests that at least one communication is missing). The missing information notwithstanding, this level of investigation, taken by a single member of the board of directors, apparently without consulting the other members, presents as worrisome. While it may not rise to the level of harassment on its own, it strongly suggests some animus directed at Ms. Rose by Ms. Marks. Ms. Rose subsequently states that multiple organizations of which she is a member have been contacted by Ms. Marks. (Gmail – Investigation) Evidence of these contacts has not been provided. However, assuming that Ms. Rose is being truthful, this would almost certainly constitute harassment.

Importantly, it is impossible to determine whether this communication would rise to the level of defamation without seeing the screenshots that were provided to Ms. Miller-Zohn. Truth and opinion are both defenses against defamation, and it is entirely likely that one or both would come into play here.

Third, in an e-mail exchange, Ms. Marks objects to the manner in which Ms. Rose characterized a disagreement between Jeanine Swick, Elaine Sims, Ms. Marks and Marianne and Ms. Rose. The manner in which Ms. Marks chooses to address this objection is notable because it is based on a threat. Specifically, the entirety of Ms. Marks's e-mail reads, "Please consider carefully your decision to slander me and the other ICG officers in the BOD list. My edit included a huge amount of the changes you and Marianne made and I promise I will share with the entire board your intent to use the ICG Archives as a vetting database for competitive ranking if you do not apologize immediately." (Gmail – Fwd_Re_[ICG-BOD] Members no longer in good standing) The fact that Ms. Marks immediately chose to address her objections through a clear and unambiguous threat, rather than through another means, appears to support the existence of a pattern of conduct of threatening and/or harassing behavior."

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VI. Conclusion

After review of all the information provided to this investigation it is the opinion of this panel of reviewers, that the behaviors demonstrated by Ms. Marianne Pease, Ms. Merrily Wolf, Ms. Judy Mitchell, Ms. Elaine Sims, Ms. Jacalyn Boggs, and Ms. Mera Babineux failed to meet the legal definition of harassment as established by Maryland Criminal Code § 3-803 and by the Equal Employment Opportunity Commission (EEOC).

And in the cases of Ms. Marianne Pease, Ms. Merrily Wolf, Ms. Judy Mitchell, Ms. Elaine Sims, Ms. Jacalyn Boggs, and Ms. Mera Babineux, we are of the opinion that they did not violate the GCFCG's Code of Conduct. That does not imply that the statements and actions taken by individuals have not had serious negative consequences that have resulted from this situation. The reputation and standing of the GCFCG has suffered embarrassment, harm, and damage stemming from these incidents. Because of this it is the recommendation of this panel that the above GCFCG members involved should take a course in on-line civility and etiquette. We will be exploring options with the Maryland Non-Profit Network to facilitate this and will invite the rest of the membership and the non-members involved to participate.

However in the case of Ms. Betsy Marks, because there are several incidents that could be reasonably seen as harassment, the panel is making the recommendation that disciplinary actions be taken in response to the findings. The recommendation of this panel to the Board of Directors is that Ms. Marks be censored (her posting privileges on GCFCG social media will be suspended for a time period not to exceed 4 years, like-wise she is prohibited from holding any officer positions during this same time) provided she take and complete Anti-Harassment training, as recommended by the GCFCG Board of Directors. In the event of the of Board or Ms. Marks declining this suggestion, the panel believes it would be in the best interest of the GCFCG to refund Ms. Marks membership and remove her from the rolls as member. Also, it is recommended Ms. Marks should resign her position on the Costume-Con 40 Con Committee, since the GCFCG is the sponsoring entity of said convention

Appendix I: Review of the Allegations Concerning Ms. Betsy Marks, done by Ms. Gaia Eirich, Secretary of the GCFCG

"I would like to first state that this has been a difficult review and that my judgment is based only what has been sent to me. I feel like there are a lot of holes, pieces I am missing, and conversations I have not read or heard in this entire issue.

In regards to the issue of Mera Babineaux accusing Betsy Marks of Slander and Libel: There is a short section in the earliest dated email, which is quoted below, that I am concerned could be libelous or slanderous. I'd appreciate a second review on these specific statements in the email dated Fri, Oct 25, 2019 at 12:49 PM and titled "Fwd: RE: Question concerning the CSA and the International Costumers' Guild, Inc."

"In two phone calls to me over the course of the Guidelines discussion, Mera intimated to me that she wanted to see a vote of no confidence regarding Marianne's behavior, to force her out of office. When I told the group that this was so, she denied the claim. In the second phone call she also threatened me with legal action resulting in what appeared to be Aurora Celeste's dismissal of the need to address a disability non-discrimination clause associated with the ICG Guidelines for Fairness in Competition, after which she subsequently withdrew the document to committee."

As this was a verbal discussion I am not sure if this could be considered slanderous without proof one way or another. She did specifically restate what she thought Mera 'intimated' to her, and I am not quite sure if that crosses the line.

"Mera now has what she wants: Marianne has stepped down from the presidency, and she is now in charge. Had she left her departure date as November 15, I would not now be raising these additional issues, but I feel strongly that I now have no choice."

I am concerned that by stating "she has what she wants" that this could touch on the definition of libel/slander.

I found no other instances that would qualify in the documentation that you've sent to me.

In regards to the issue of Jacalyn Boggs accusing Betsy Marks, based on what you have sent here, my two cents is that Betsy Marks did not harass Jacalyn Boggs. I realized only after reading everything that I misunderstood your email and was reviewing the documents you sent me for both accusations. So take this as you will, as I am not sure if you would have sent more or different information in regards to this*."

*Ms. Eirich had access to everything supplied to this investigation, which can be found in Appendix VII at the end of this report. As stated in section IV: Summary of Allegations, there appears to be gaps in the information we had received, which has made it challenging to access the situation.

Appendix II: Review of Allegations Concerning Ms. Jaclyn Boggs, done by Mr. Ron Robinson, Vice-President of the GCF CG

“While I found tempers running high on the part of all parties: Jacalyn; Betsy; Marilee; Maryanne; Elaine; and Mera, I do not find that Jacalyn was systematically bullying Betsy. The vast majority of interactions were requests for information, points of clarification and/or correction, or procedural issues.

That being said, there were times that Jacalyn was proactive against Betsy. In only one case (screenshot 186) did Jacalyn request that Betsy be shut out of the discussions. In only a few other cases Jacalyn points out that Betsy's tone is "out of order for moving this discussion forward," and "unrelenting" attacks contained "unsubstantiated accusations especially the ones that were personal". However I feel that these last cases were when tempers had gotten thin on all sides.

Essentially, the longer this went on, the poorer the communication became and people stopped listening to each other.”

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Appendix III: Review of the Harassment Allegations Concerning GCFCG Members done by Ms. Sarah Richardson, President of the GCFCG

“I want to state for the record that this has been a difficult investigation due to trying to piece together accounts and conversations that have been disjointed and sometimes hard to contextualize. I share the feelings of my fellow reviewers that there are parts of these conversations that are missing. And lacking these pieces of information, I have had to lean heavily on the screenshots I collected from the International Costumers’ Guild shortly after the allegations were made.

In regards to the accusations made against Ms. Marianne Pease, Ms. Merrily Wolf, and Ms. Judy Mitchell. While there has been some uncivil, rude, and heated exchanges involving these individuals. In the opinion of this reviewer, none of it rises to the legal definition of harassment.

Regarding the behavior of Ms. Jacalyn Boggs, to this reviewer do not meet the definition of harassment. The comments and actions taken by Ms. Boggs seem to speak more of an individual who’s frustration with the situation has reached a breaking point. This is not excusing her treatment of others or to say she acted appropriately. It means for the purpose of this investigation, her behavior did not rise to the legal definition or harassment.

To address the allegations concerning Ms. Betsy Marks is why I requested the aid of Mr. Brian Hildebrant, e.s.q. on the harassment complaints involving Ms. Marks. I found in my review of the evidence supplied for and against Ms. Marks’s case, that her zeal in pursue of her goals can cause her to run roughshod over others. Her behavior towards Ms. Babineaux especially is disconcerting, and could rise to the level of harassment. Ms. Marks seemingly targeted Ms. Babineaux and pursued avenues regarding her to organizations outside of the ICG in order to establish Ms. Babineaux’s claims. The question of Ms. Babineaux’s associations and status in these organizations have not been validated by an independent 3rd party, but that is not the question we are attempting to answer.”

Appendix V: Review of the Harassment Allegations Concerning GCFCG Members done by Mr. Brian Hildebrant, e.s.q

“Sarah:

You provided me with two separate folders, containing e-mail, text, and slack messages, and have asked me to provide my opinion on whether that information gave rise to harassment, slander, and/or libel (in the Betsy folder); or bullying and harassment (in the Jaclyn folder). Based on my review I believe that the answer, in Ms. Jacalyn’s, is: No, the conduct described does not rise to the level of harassment, slander, or libel. However in Ms. Betsy R. Marks case there may be some conduct that has risen to the level of harassment.

The rationale underlying this conclusion is described below.

LEGAL STANDARD

The Guild does not have an independent definition of harassment in its by-laws. As a result, I have analyzed the described conduct under both the Maryland criminal definition of harassment, as well as the definition of harassment used by the Equal Employment Opportunity Commission (EEOC). Maryland Criminal Code § 3-803, in relevant part, defines harassment as a malicious course of conduct that seriously alarms or annoys the other that is engaged in (1) with the intent to harass, alarm, or annoy; (2) after receiving reasonable warnings or requests to stop; and (3) without a legal purpose. More generally, under the EEOC definition, harassment in the workplace is unwelcome conduct that is severe or pervasive enough that it creates a hostile, intimidating, or abusive work environment. Alternatively, it is a situation where enduring the offensive conduct is a condition of continued employment. Notably, the EEOC has opined that petty slights, annoyances, and isolated incidents (unless extremely serious) do not rise to the level of illegality.

Note - Bullying does not typically exist as its own offense. As such, I have viewed it as being synonymous with harassment for the purposes of this investigation.

Libel and slander are different ways of characterizing the tort of defamation. Specifically, libel is written defamation, and slander is oral (there are other differences between the two types of defamation, but none that affect this analysis). Because the Guild does not have an independent definition of defamation, I have used the Maryland definition – which, it should be noted – is fairly identical to the definition of defamation in most other states. Defamation is any nonfactual statement, made to a third party, that injures a person’s reputation. However, a statement that is merely unflattering, annoying, embarrassing, or that hurts the plaintiff’s feelings is not considered defamatory.

As always, I am assuming that all of the information presented for my review is true and accurate.

ANALYSIS

Jacalyn Boggs has been accused of harassment and bullying by an unidentified party. Based on my review of the information provided, I do not believe that Ms. Boggs conduct rises to the level of harassment.

Under the Maryland standard, I did not see any evidence that Ms. Boggs was acting with the intent to harass, alarm, or annoy. It is clear that she became frustrated with she perceived to be happening in the Guild, that she had differences of opinion with other members, and that she was willing to express those differences of opinion. However, although sometimes those expressions were inelegant, they do not appear to satisfy the definition of harassment. I note that the vast majority of Ms. Boggs' assertions which would come closest to creating a hostile environment were constrained to a one-on-one Facebook chat with an unknown individual (Jacalyn Boggs FaceBook Messages). The fact that those messages were limited to a single individual, and not directed to the world at large, mean that they are exceedingly unlikely to have created a hostile, intimidating, or abusive environment.

One potential exception to this conclusion stands out and is worth discussing. In Screenshot 186, Ms. Boggs asserts a point of order and asks the ICG President to remove Betsy R. Marks from the Board of Directors slack channel. The stated rationale behind this request is that Ms. Marks is engaged in uncivil discourse and has made unsubstantiated personal accusations which is preventing the board from moving forward. This request is rejected by the ICG President. It is plausible to argue that this request was made with the intent to harass. However, although she mentioned its existence a handful of times in slack threads after this fact, it was not formally pursued after having been rejected. Further, it was apparently within her rights to assert such a point of order.

Betsy R. Marks (aka Betsy Delaney) has been accused of harassment, and defamation by Mera Rose (aka Mera Babineaux). Based on my review of the information provided, I do not believe that the majority of Ms. Marks's conduct rises to the level of harassment or defamation.

It is clear, reviewing the screenshots of the slack channel, that Ms. Marks is unhappy with the manner in which the guideline update has proceeded and that she is unhappy with a number of the proposed language changes. This unhappiness manifested in several different ways. For example, Ms. Marks made passive aggressive complaints regarding the process ("I thought I asked for a reasonable accommodation. Apparently I am wrong." [Screenshot 145], or "Missing my point completely." [Screenshot 153]); demanded that the process cease until all members were actively participating ("And until the entire discussion moves here, we should NOT move forward." [Screenshot 155], and "Adding isn't enough ... Being in the channel isn't enough." [Screenshot 157]); and challenged the tone of certain included language (Screenshot 163, 166, and 168). In each of these cases Ms. Marks was challenged in her comments by other members of the Board of Directors causing her to move on. It is possible that this was viewed as unhelpful by other board members. However, although this may represent a consistent pattern of behavior, it is not clear that this pattern rises to the level of harassment against one specific individual as opposed to only being arguably detrimental to the functioning of the board as a whole.

There are a handful of troubling accusations and actions taken by Ms. Marks that I believe should be highlighted.

First, in Screenshot 122 Ms. Marks makes the accusation that the green-line document drafted by Ms. Rose did not contain the entirety of the changes made to the document. Specifically:

Jacalyn Boggs – “So you are saying there’s more changes to the proposed document than what the above green line shows?”

Betsy R. Marks – “YES.”

Jacalyn Boggs – “What else what changed from the proposed document to the green line above?”

Betsy R. Marks – “I have no idea...”

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In response to these accusations, Ms. Rose specifically asks that the conversation be kept civil and explains her rationale for the actions she has taken. In that post she states “Please also stop attacking me for trying to do what you’re asking?” [sic] ... “I really love this organization and want to help, but I will not tolerate character assassination...” (Screenshots 145 & 147) This is immediately followed by Ms. Boggs stating “There is no need to character assassinate anyone...” (Screenshot 151).

Subsequently, Ms. Marks states, “As to character assassination, perhaps if my request of two months ago had been addressed then, instead of ignored, I would be less upset. Just saying.” (Screenshot 178).

These exchanges highlight what appears to be a conscious and intentional attempt to harass Ms. Rose by Ms. Marks. Notably, Ms. Rose is the first to characterize what has happened as “character assassination”, and it would ordinarily be entirely reasonable to entertain an argument that she was overreacting or that Ms. Marks did not intend for her comments to be taken in that way. However, Ms. Marks adopts that characterization and attempts to justify it based on the way she believes her request was treated. With that in mind, it is reasonable to conclude that Ms. Marks’s actions were intended to create a hostile environment.

Second, Ms. Marks reached out – apparently of her own accord – to Kristen Miller-Zohn as a contact within the Southeast CSA to ask for information about Ms. Rose. (Gmail – Fwd_RE_Question concerning the CSA and the International Costumers’ Guild, Inc.) In the first communication Ms. Marks states, “We have some concerns regarding this individual which are, as you might gather, of a confidential and potentially worrisome nature.” In the next provided e-mail, Ms. Delaney appears to have provided Ms. Miller-Zohn with screenshots of the confidential and worrisome concerns. Then, in a subsequent e-mail, she specifically identifies Ms. Rose by name. These screenshots have not been provided for my review. In addition, it is unclear whether the e-mail chain that has been provided contains the entirety of the communications between Ms. Marks and Ms. Miller-Zohn (e.g. the tone shift between the first and second e-mail, and the lack of a response e-mail by Ms. Miller-Zohn, suggests that at least one communication is missing). The missing information notwithstanding, this level of investigation, taken by a single member of the board of directors, apparently without consulting the other members, presents as worrisome. While it may not rise to the level of harassment on its own, it strongly suggests some animus directed at Ms. Rose by Ms. Marks. Ms. Rose subsequently states that multiple organizations of which she is a member have been contacted by Ms.

Marks. (Gmail – Investigation) Evidence of these contacts has not been provided. However, assuming that Ms. Rose is being truthful, this would almost certainly constitute harassment.

Importantly, it is impossible to determine whether this communication would rise to the level of defamation without seeing the screenshots that were provided to Ms. Miller-Zohn. Truth and opinion are both defenses against defamation, and it is entirely likely that one or both would come into play here.

Third, in an e-mail exchange, Ms. Marks objects to the manner in which Ms. Rose characterized a disagreement between Jeanine Swick, Elaine Sims, Ms. Marks and Marianne and Ms. Rose. The manner in which Ms. Marks chooses to address this objection is notable because it is based on a threat. Specifically, the entirety of Ms. Marks's e-mail reads, "Please consider carefully your decision to slander me and the other ICG officers in the BOD list. My edit included a huge amount of the changes you and Marianne made and I promise I will share with the entire board your intent to use the ICG Archives as a vetting database for competitive ranking if you do not apologize immediately." (Gmail – Fwd_Re_[ICG-BOD] Members no longer in good standing) The fact that Ms. Marks immediately chose to address her objections through a clear and unambiguous threat, rather than through another means, appears to support the existence of a pattern of conduct of threatening and/or harassing behavior.

CONCLUSION

Based on the foregoing I cannot conclude that Ms. Boggs engaged in activity which satisfies the definition of harassment. That is, her behavior does not satisfy the legal definition of criminal harassment as established by the state of Maryland, nor does it satisfy the definition of harassment as established by the EEOC.

However, Ms. Marks may have engaged in behavior that rises to the level of harassment. That is, there is at least one clear and unambiguous evidence of a threat in the record, and there is evidence that she was willing to accept the characterization of her actions as "character assassination." Coupled with that is the fact that she has contacted other organizations that Ms. Rose belongs to, which Ms. Rose asserts have damaged her personal standing. I suggest that it would be within the power of the board of directors to determine that this behavior is unacceptable and conduct unbecoming a chapter member."

Appendix V: Information Submitted

[DRAFT - NOT FINAL REPORT]